

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LYNN HARRIS,

Petitioner,

V.

THOMAS CARROLL, WARDEN

E.T. AL.,

Respondents.

Civ. Act. No. 06-78⁶***

PLAINTIFF'S MOTION FOR EXTENTION OF TIME
TO FILE HIS TRAVERSE REPLY TO RESPONDANTS
ANSWER TO PETITION.

Petitioner HARRIS moves under F.R.C.P. Rule 6(b) for enlargement of time allowing him until July 13, 2007, to file his TRAVERSE to the Respondants' ANSWER. Supporting this request, the following is asserted:

1) The Court's Order of January 23, 2007, does not include a time/date for Petitioner's Traverse Reply to the Answer. See attached Exhibit A.

2) Petitioner disagrees with the Respondents' ANSWERS.

3) Petitioner has been, and continues to be diligently working on his case. However, the DOC's Delaware Correctional Center's Law Librarian, Brian Engram (under Inmate Legal Administrator Mike Little)

Plaintiffs Motion for Ext. Time

Page Two

Civ. Act. No. 06-789 ^{xxx}

has on a regular basis, REFUSES TO ACKNOWLEDGE this Honorable Court's "PROCEDURAL" Deadlines (as distinguished from a "Court Ordered Deadline") when an inmate puts in a Law Library "General Request Form". The MTA Law Library limits a litigator to 5 cases per week (It takes an average of 1 or 2 weeks to file each Request.)

See Attached Exhibit A (Note Brian Engram also didn't sign this Request to hide his identity)

4) Under this 5 cases (per week) "system" Petitioner asserts it will take him a minimum of 90 days just to "Sheppardize" these cases, under the "5 cases for 5" rule.

5) This Court has discretion to give Petitioner an extension of time, However, due to the 5 cases for 5 cases rule, Petitioner does not have access to any legal authority regarding this at this time, thus his access to the law library is effectively foreclosed.

6) This is Petitioner's first request for an extension of Time.

7) Petitioner requests until July 13, 2007, as the deadline to file his Reply Traverse to the Respondents Answer.

Plaintiffs Motion for Ext. Time

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Civ. Act. No. 06-789 ~~xxx~~

THEFORE, Please enter a Court Order
Granting Petitioners request to July 13, 2007,
in which to file a Traverse to the Answer.

WHEREAS, Please also enter a Temporary
Restraining Order to Mike Little, Brian Engram
and the Mike Law Library to enjoin them in
their "disregard" to this Courts "Procedural"
Deadlines and have them recognize that a FRCP
Rule "Procedural" Deadline carries the same
weight and effect as does a "Court Ordered"
Deadline, so Petitioner can get more than 5
cases at a time per week (or 2 weeks) to
meet his deadlines.

Respectfully Submitted,

dated: 4-19-07

X Lynn Harris

Lynn Harris #297441

Delaware Correctional Center

1181 Paddock Rd.

Smymna, DE 19977

Appearing Pro-Se

Certificate of Service

I, Lynn Harris, hereby certify that I have served a true
and correct cop(ies) of the attached: "Petitioners Motion For Ext. of
Time To File His Traverse ..." upon the following
parties/person (s):

TO: James T. Wakley
Deputy Attorney General
Dept. of Justice
820 N. French St.
Wilmington, DE 19801

TO: _____

TO: _____

TO: _____

BY PLACING SAME IN A SEALED ENVELOPE and depositing same in the United
States Mail at the Delaware Correctional Center, 1181 Paddock Road, Smyrna, DE
19977.

On this 19 day of April, 2007

X Lynn Harris
Lynn Harris - pro-se
Delaware Corr. Ctr.
Smyrna, DE 19977

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

LYNN HARRIS,

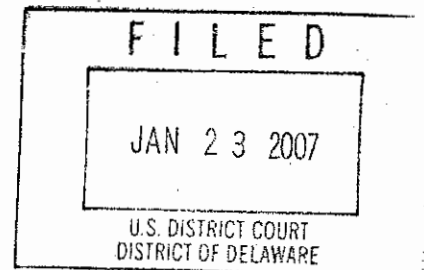
Petitioner,

v.

THOMAS L. CARROLL,
Warden, and ATTORNEY
GENERAL OF THE STATE
OF DELAWARE,

Respondents.

Civil Action No. 06-786-***



ORDER

At Wilmington this 23 day of January, 2007, the petition of Lynn Harris for a Writ of Habeas Corpus having been reviewed pursuant to Rule 4, 28 U.S.C. foll. § 2254;

IT IS HEREBY ORDERED that:

1. Pursuant to Rules 3(b) and 4, 28 U.S.C. foll. § 2254, the clerk shall forthwith serve a copy of the petition and appendix (D.I. 1; D.I. 2), the order dated January 4, 2007 (D.I. 5), the AEDPA election form (D.I. 6), and this order upon: (1) the above-named Warden of the facility in which petitioner is housed; and (2) the Attorney General of the State of Delaware.

2. Within **forty-five (45) days of service** of the petition and this order, in accordance with Rule 5, 28 U.S.C. foll. § 2254, respondents shall:

a. State whether the petitioner has exhausted his state remedies

EXHIBIT "A"

including any post-conviction remedies available to him under the statutes or procedural rules of the State and including also his right of appeal both from the judgment of conviction and from any adverse judgment or order in the post-conviction proceeding;

b. State whether any claim in the petition is barred by a procedural bar, non-retroactivity, or the statute of limitations;

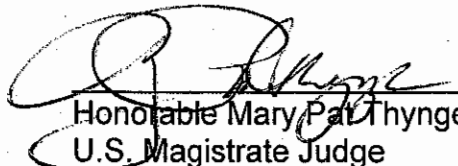
c. Respond to the allegations of the petition;

d. Indicate what transcripts (of pretrial, trial, sentencing, and post-conviction proceedings) are available, when they can be furnished, and also what proceedings have been recorded and not transcribed;

e. Attach to the answer certified copies of such portions of the transcripts as may be material to the questions raised in the petition, as well as certified copies of the petitioner's brief(s) on appeal (direct and/or post-conviction) and of the opinion(s) of the appellate court, if any.

f. Attach to the answer copies of any Rule 61 affidavits filed by petitioner's trial and/or appellate counsel in response to allegations of ineffective assistance of counsel raised in a petitioner's post-conviction proceeding filed pursuant to Delaware Superior Court Criminal Rule 61.

3. The clerk shall mail a copy of this order forthwith to the petitioner.


Honorable Mary Pat Thyng
U.S. Magistrate Judge

RECEIVED

APR 18 2007

MHU LOW LIBRARY

in Federal Court.
Fed Ct - documents.

GENERAL REQUEST FORM

BLD. # 22-B
Cell # L-8

+1 cr B

This request should be used to request general information, case law and/or photocopies from the Law Library. Case Law is issued from the Law Library on a 5 for 5 basis. Photocopy requests will be honored for Legal items only. Any items deemed non-legal will need to be forwarded to the Business Office along with a Pay-To for .25 per page.

Did Not Receive

PETILLO v. NJ 562 F2d. 903 (3rd cir 1977)

Dupont v Taylor 19 F3d 1485 (3rd cir 1993)

Fischetti v Johnson 384 F3d 140 (3rd cir 2004)

NY v Quarles 467 US 649 (1984)

US v HENSLEY 105 SCT 675 (1985)

Jones v State ⁷⁴⁵ ~~745~~ A2d 856 (Del. 1999)

US v Johnson 170 F3d. 113 (7th cir 1999)

KNOWLES v IOWA 119 S.CT 484 (1997)

Jenkins v State 401 A2d — (Del Supr 19 —)

De Jesus v State 655 A2d 1180 (Del 1995)

11 Del C § 541 "Annotated" 11 Del C § 532 "Annotated"

11 Del C § 832 "Annotated"

11 Del C § 1902 and 1903 "Annotated"

11 Del C § 222 "Annotated"

11 Del C § 301 "Annotated"

Name Lynn Harris S.B.I. 297441 Date: 4-19-07

Date Received: _____ Pay-to Log # _____

Date Sent _____ Staff Initials: _____

Staff Notes: _____

EXHIBIT "B"